

REMARKS

Claims 31-71 were pending in the present application. Claims 31-67 and 69-71 have been canceled. Claim 68 has been amended. New claims 72-75 have been added. No new matter has been added. Support for the new and amended claims can be found throughout the specification as filed and the pending claims. Specifically, support for the amendments to claim 68 can be found in the specification, at least at page 6, line 28 to page 7, line 6; page 9, line 12 to page 10, line 20; page 11, lines 25-26; page 13, line 5-25; page 16, lines 8-10; and Examples 1 and 3. Support for new claim 72 can be found in previous claim 68. Support for new claim 73 can be found in the specification, at least at page 7, lines 11-12. Support for new claim 74 can be found in previous claim 63 and the specification, at least at page 16, lines 8-10. Support for new claim 75 can be found in the specification, at least at page 12, lines 1-3.

Amendment or cancellation of claims should not be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the right to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Examiner's Interview

Applicants wish to thank the Examiner for conducting an interview with Applicants on June 5, 2008. Applicants have amended the claims according to the Examiner's suggestions and believe that the amendments place the claims in condition for allowance.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 31-71 stand rejected under 35 U.S.C. § 112, First Paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Examiner contends that "in the instant case the claims fail to recite what encompasses the "chemically defined media" or "culturing conditions" as claimed. In addition, it would require an extensive and undue amount of experimentation to practice the invention as claimed especially in view of the state of the art that clearly teaches the role of various growth factors in a culture for the development of an artificial skin construct that is of any practical use" (see the pending Office Action at page 10).

Applicants respectfully traverse this rejection. Applicants submit that the instant specification, coupled with information known in the art, teaches one of ordinary skill in the art how to practice the claimed invention without undue experimentation. For example, the specification teaches the culture conditions for growing and expanding fibroblast cells and preparing a layer of extracellular matrix from fibroblast cells on a porous membrane in the absence of exogenous matrix components (*e.g.*, page 9, line 1 to page 11, line 10; page 17, line 25 to page 19, line 6; and Examples 1, 3, 5, 6, 9-11, 15, and 17). In addition, the specification specifically discloses how to supplement the basic media with components to grow and expand fibroblast cells, as well as components to assist in matrix synthesis, secretion, or organization to prepare a layer of extracellular matrix from fibroblast cells on a porous membrane in the absence of exogenous matrix components (*e.g.*, page 11, line 11 to page 17, line 24 and Examples 1, 3, 5, 6, 9-11, 15, and 17).

However, in an effort solely to expedite prosecution and in no way conceding to the validity of the Examiner's rejection, Applicants have canceled claims 31-67 and 69-71 and amended claim 68 to more specifically define the recited chemically defined media and culturing conditions that produce the claimed tissue construct, as suggested by the Examiner. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

The application is now believed to be in proper condition for allowance and a Notice to that effect is respectfully requested. The Examiner may address any questions raised by this submission to the undersigned at (617) 832-1000. If any fees are due, the Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to Deposit Account No. **Deposit Account No. 06-1448, Reference No. OGA-010.02.**

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Respectfully submitted,

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